

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

**UNITED STATES OF AMERICA**

**v.**

**CHRISTOPHER CANTWELL**

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**No. 1:20-cr-00006-PB**

**GOVERNMENT’S RESPONSE TO DEFENDANT’S  
MOTION IN LIMINE #2: TO EXCLUDE REFERENCES TO  
CHARLOTTESVILLE, VIRGINIA, AND THE UNITE THE RIGHT RALLY**

The United States of America does not intend to introduce any evidence in its case-in-chief regarding defendant Christopher Cantwell’s participation in the Unite the Right rally in Charlottesville, Virginia. The charged offenses require proof that the defendant privately threatened the victim and attempted to harass and intimidate him, acting with the intent to coerce him into disclosing personal information about “Vic Mackey” (the online pseudonym of the acknowledged leader of the Bowl Patrol) so the defendant could “dox” Mackey. The defendant’s participation in the Unite the Right rally has no bearing on the very specific and limited elements before the jury. As such, the United States agrees to advise its witnesses not to refer to “Charlottesville” or “Unite the Right” during their testimony.

The Court, however, should not bar all references to “Virginia.” After Cantwell threatened the victim, he communicated with law enforcement about it by e-mail. In one of those e-mails, Cantwell answered the question as to whether he knows the members of “Bowl Patrol”:

As for whether I know them...That depends on how loosely we define “know.” As I mentioned at the outset, these guys were in my online social orbit while I was in Virginia. I’ve given you the real names that I have, but I couldn’t pick most of them out of a lineup, and most of these guys probably couldn’t pick each other out of a lineup.

GX 502. The United States intends to elicit testimony that Cantwell was in Virginia in late 2017 to late 2018.

By way of background, Cantwell described his initial friendship with the Bowl Patrol in a separate e-mail to law enforcement.<sup>1</sup> In that e-mail, Cantwell states that the Bowl Patrol “came into [his] social orbit online” as he “awaited the conclusion” of his criminal charges. *July 17, 2019 e-mail from Christopher Cantwell to the FBI* (2017R239\_EMAILS-001304). Cantwell granted his “WordPress credentials to an individual who goes by the name of Vic Mackey” and gave him “permission to post his team’s podcast titled ‘The BowlCast’” after the Commonwealth of Virginia moved “to revoke [his] bond.” *Id.* That Commonwealth’s motion to revoke or modify bond was filed on July 6, 2018.

The United States does not intend to introduce evidence or elicit testimony linking Cantwell’s time in Virginia to his participation in the Unite the Right rally or to the criminal proceedings that followed. Rather, the United States intends to provide general background on Cantwell’s relationship with the Bowl Patrol. In that context, the Court should allow the United States to introduce Cantwell’s own words that “these guys were in my online social orbit while I was in Virginia” and the general timeframe that Cantwell was in Virginia. This limited evidence should not be excluded under Rule 403 of the Federal Rules of Evidence.

### **Conclusion**

For the reasons stated, this Court should deny the motion in part and allow the United States to introduce limited references to “Virginia.” The United States agrees to advise its witnesses not to refer to “Charlottesville” or “Unite the Right” during their testimony.

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<sup>1</sup> The United States has not included this e-mail on its exhibit list and has redacted references to Cantwell’s criminal charges from exhibits identified on the Government’s Exhibit List.

September 9, 2020

Respectfully submitted,

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